

REMARKS

The Official Action dated July 12, 2005 has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By the present amendment, claims 40 and 41 are added. Support for claims 40 and 41 may be found throughout the present specification. It is believed that these claims do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

In the Official Action, the Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(4) because reference character 1 in Figs. 1-2 has been used to designate both an air inlet and a piece of nonwoven material. The Examiner also asserted that the same objection applies to reference characters 2 and 3 in Figs. 1-5. This objection is traversed, as reference character's 1, 2 and 3 are not used in the present application. However, an inspection of the Image File Wrapper on the United States Patent and Trademark Office website reveals a possible source for the confusion. On the website, the latest drawings are dated June 1, 2004, but they appear to belong to published U.S. patent application No. 2002/0178706, to Kvietok et al, rather than the present Application. The Kvietok et al published application was cited in the Supplemental Information Disclosure Statement dated May 24, 2004 and are, therefore, not the present application drawings. The correct drawings are those originally filed in this application and dated February 02, 2001 in the Image File Wrapper. These drawings are believed to comply with 37 C.F.R. 1.84(p)(4), whereby, the objection to the drawings should be withdrawn. Reconsideration is respectfully requested.

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner asserted that claims 21, 27-29 and 35

required corrections because they recite the limitation “sodium bicarbonate” when the specification makes no mention of such a compound. This objection is traversed, as the term “sodium bicarbonate” is recited on page 11 of the present specification, in the second full paragraph. However, an inspection of the Image File Wrapper on the United States Patent and Trademark Office website again reveals a possible source for the confusion. On the website, the latest specification is dated June 1, 2004, but it appears to belong to the noted published U.S. application of Kvietok et al, No. 2002/0178706, rather than the present Application. The correct specification is that originally filed and dated February 02, 2001 in the Image File Wrapper. This specification provides the proper antecedent basis for the limitation sodium bicarbonate, whereby the objection should be withdrawn. Reconsideration is respectfully requested.

Claims 21-26, 28-31, 33 and 35-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Aibe et al U.S. Patent No. 5,288,306 in view of the Arnold, III U.S. Patent No. 4,995,556. The Examiner relied on Aibe et al '306 as disclosing a system and a method for deodorizing air in a confined space, which includes a passive filter member, referring to Fig. 1, element 6, that removes malodor from air without the assistance of an air moving member, and a first filter element, referring to Fig. 17, element 127, that contains a first filter medium (col. 17, lines 17-18). The Examiner also asserted that Aibe et al '306, Fig. 23, teach providing a forced air filter member 194 having an air flow path from an inlet to an air outlet, and a second filter element 196 that includes a second filter medium and an air moving member 198. Moreover, the Examiner asserted that Aibe et al '306 teach that the air moving member moves air along the air flow path and through the second filter medium and that the detachable passive filter member is interchangeable with the second filter element in the forced air filter member. The Examiner also asserted that Aibe et al '306 teach positioning the passive filter member inside a confined space, positioning the forced air filter member inside the confined space, neutralizing odor in the

air of the confined space by allowing air to come into proximity with the first filter member and neutralizing odor in the air of the confined space by drawing air toward the second filter member. The Examiner relied on Arnold, III '556 to teach placing a passive filter member that includes sodium bicarbonate in a refrigerator, but conceded that the reference fails to teach combining the use of a passive filter and a forced air filter. The Examiner asserted, however, that it would have been obvious to modify the method and apparatus of Aibe et al '306 by utilizing the teachings of Arnold, III '556 in order to maximize the rate of deodorization of air inside refrigerators by combining passive and active deodorizers.

This rejection is traversed and reconsideration is respectfully requested as the combination of teachings of these two cited references does not suggest the presently claimed invention. None of the references, either alone or in combination, teach a system or method with each and every element as presently recited in the claims, together with the improved properties thereof. Indeed, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated, *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). The cited references do not teach each and every claim limitation.

As defined by claim 21, the system for deodorizing air according to the invention comprises a passive filter member and a forced air filter member. The passive filter member comprises a first filter element comprising a first filter medium which at least partially comprises sodium bicarbonate, wherein the passive filter member is adapted to remove malodor from air without the assistance of an air moving member. The forced air filter member has an air flow path from an air inlet to an air outlet, and comprises a second filter element and an air moving member, the second filter element comprising a second filter medium which at least partially comprises sodium bicarbonate, wherein the air moving member is adapted to move air along the air flow path and through at least a portion of the second filter medium, and wherein the second

filter element is associated with and detachable from the air moving member. The passive filter member is interchangeable with the second filter element in the forced air filter member. Similarly, the method for deodorizing air in confined space of claim 35 employs a passive filter member and a forced air filter member as defined in claim 21. Moreover, the system for deodorizing air of claim 40 presented herein is similar to that of claim 21, but further defines the air moving member as having a housing and the second filter element is adapted to sit on an exterior portion of the housing. Accordingly, the systems and methods provide a convenient and versatile means for deodorizing air. Additionally, the systems and methods of the invention allow the filter elements to be easily replaced as necessary for extended use.

Thus, each of claims 21, 35 and 40 require a separate passive filter member and a forced air filter member including a second filter element. To the contrary, while Aibe et al '306 show a first embodiment of their device in Fig. 1, a second embodiment in Fig. 17, and a third embodiment in Fig. 23, Applicants find no teaching by Aibe et al '306, or any other cited reference, for selectively combining any of the elements of these embodiments to result in the presently claimed systems and methods employing both a passive filter member and a forced air filter member including a second filter element. As such, the cited references alone or in combination do not provide each and every claim limitation and therefore do not support a rejection under 35 U.S.C. §103.

Moreover, each of claims 21, 35 and 40 requires a passive filter member that is interchangeable with the second filter element of the forced air filter member. To the contrary, Applicants find no teaching or suggestion in the cited combination of references regarding a system including a passive filter member that is interchangeable with a second filter element of a forced air filter member. The Examiner asserted Aibe et al '306 disclose the use of a second filter member interchangeable with the first filter member. Aibe et al '306, however, merely disclose

using one or multiple activated carbon honeycombs within the same apparatus. To the contrary, in the present invention, the separate passive filter member is interchangeable with the second filter element of the forced air filter member. The Examiner relied on Arnold, III '556 as disclosing a passive filter member. However, Applicants find no teaching by Aibe et al '306 or Arnold, III '556 for combining their teachings, or disclosing the use of a separate, passive filter member that is interchangeable with a second filter element of a forced air filter member. As such, the cited references alone or in combination do not provide each and every claim limitation and therefore do not support a rejection under 35 U.S.C. §103.

Further, to be properly combinable, the references must suggest the desirability and thus the obviousness of making a claimed combination, *In re Grabiak*, 226 U.S.P.Q. 870 (Fed. Cir. 1985). Applicants find no teaching by any cited reference, alone or in combination, disclosing the use of separate passive and forced air filter members or the desirability of a system comprising a passive filter member that is interchangeable with a second filter element of a forced air filter member. Additionally, the Examiner improperly combines random elements from multiple embodiments of the Aibe et al '306 reference without any proper motivation to do so, *In re Rouffet*, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). Indeed, the combination only makes sense in light of the present application. As such, the cited references do not provide the requisite suggestion of desirability or motivation. Accordingly, the rejection under 35 U.S.C. §103 based on Aibe et al '306 and Arnold, III '556 has been overcome. Reconsideration is respectfully requested.

Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Aibe et al '306 in view of Arnold, III '556 and the Peludat U.S. Patent No. 5,624,311. The Examiner relied on Peludat to teach the combination of a sodium bicarbonate filter with a fan.

This rejection is traversed and reconsideration is respectfully requested. That is, the deficiencies of Aibe et al '306 and Arnold, III '556 discussed above apply equally as well in this rejection and are not resolved by Peludat. Applicants find no teaching by Aibe et al '306, Arnold, III '556 or Peludat disclosing the use of separate passive and forced air filter members or the desirability of a system comprising a passive filter member that is interchangeable with a second filter element of a forced air filter member. As such, the cited references, alone or in combination, do not provide the requisite suggestion of desirability for modification of the Aibe '306 device. Further, Peludat's teaching of a fan does not teach or suggest the claimed combination of elements. Accordingly, the cited combination of references does not support a rejection under 35 U.S.C. §103, whereby the rejection has been overcome.

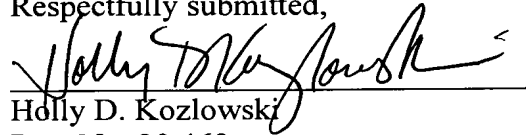
Claims 32 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aibe et al '306 in view of Arnold, III '556 and the Ganz U.S. Patent No. 2,025,657. The Examiner relied on Ganz to teach a hemispherical filter member.

This rejection is traversed and reconsideration is respectfully requested. That is, the deficiencies of Aibe et al '306 and Arnold, III '556 discussed above apply equally as well in this rejection and are not resolved by Ganz. Applicants find no teaching by Aibe et al '306, Arnold, III '556 or Ganz disclosing the use of separate passive and forced air filter members or the desirability of a system comprising a passive filter member that is interchangeable with a second filter element of a forced air filter member. The isolated teaching by Ganz of a hemispherical filter member does not teach or suggest the claimed combination of elements. As such, the cited references, alone or in combination, do not provide the requisite suggestion of desirability for combining their teachings along the lines of the presently claimed invention. Accordingly, the cited combination of references does not support a rejection under 35 U.S.C. §103, whereby the rejection has been overcome.

Application No. 09/775,999
Amendment dated October 12, 2005
Reply to Office Action of July 12 2005

It is believed that the above represents a complete response to the objections and the rejections under 35 U.S.C. §103(a), and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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